

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Angel Peralta

Debtor(s).

CASE NO. 17-16291
CHAPTER 7

NOTICE OF MOTION

To: Angel Peralta 2819 N. Maplewood Chicago, IL 60618
Serrato Law Ltd. 1310-A W. 18th St. Chicago, IL 60608
R Scott Alsterda 70 West Madison Street Suite 3500 Chicago, IL 60602

PLEASE TAKE NOTICE that on July 11, 2017 at the hour of 9:30 a.m., I shall appear before the Honorable Judge Cox, Room 680 of the U.S. Bankruptcy Court, 219 S. Dearborn, Chicago, IL and then and there move the court pursuant to the attached Motion at which time and place you may appear if you see fit.

/s/Michael Dimand
MICHAEL DIMAND

CERTIFICATE OF MAILING

I, MICHAEL DIMAND, an attorney, certify that I served the above-named respondents by placing a copy of the Motion in an envelope, correctly addressed and mailing same by regular mail, postage pre-paid in the U.S. Mail chute at 125 E. Lake St., Suite 206, Bloomingdale, Illinois before the hour of 5:00 p.m. on June 14, 2017.

/s/Michael Dimand
MICHAEL DIMAND

THIS COMMUNICATION IS FROM A "DEBT COLLECTOR." (15USC 1692a)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

In re:

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MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY)

U.S. Bank Trust National Association, not in its individual capacity but solely as Owner Trustee for Trent Bridge Asset Holding Trust (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtor(s) having an address of 2819 N. Maplewood Ave, Chicago, IL 60618 (the “Property”). In support of this Motion, Movant respectfully states:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed with respect to the Debtor(s) on May 25, 2017.
2. Pursuant to a certain Note and Mortgage, all obligations of the Debtor(s) under and with respect to the Note and the Mortgage are secured by the Property. Copies of the Note, Mortgage, and Assignment of Mortgage (if applicable) are attached hereto.
3. As of June 1, 2017, the outstanding amount due is \$474,872.88.
4. The debtor is due contractually for the December 1, 2012 payment, a default of 54 months, in the amount of \$159,001.92.
5. The estimated market value of the Property is \$314,250.00. The basis for such valuation is from the Cook County Assessor's website, and schedule D.
6. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant, is \$474,872.88.
7. Cause exists for relief from the automatic stay for the following reasons:
 - A. Movant’s interest in the Property is not adequately protected.
 - B. Movant’s interest in the collateral is not protected by an adequate equity cushion.
 - C. The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect Movant’s interest against that decline.

D. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Terminating the automatic stay of 11 U.S.C. § 362(a) to allow Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
4. For such other relief as the Court deems proper.

Respectfully submitted:

/s/Michael Dimand
Michael Dimand
Attorney for Creditor

Michael Dimand
Wirbicki Law Group, LLC
Attorney for Creditor
33 West Monroe
Suite 1140
Chicago, IL 60603
Phone: 312-360-9455
Fax: 312-360-9461
W17-0439

THIS COMMUNICATION IS FROM A "DEBT COLLECTOR." (15USC 1692a)